

Notice of Allowability

Application No.

10/697,684

Examiner

Jennifer A. Mehmood

Applicant(s)

KERR ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendments filed June 14, 2007.
2. ☒ The allowed claim(s) is/are 2-13, 15 and 17-42.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20070703.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Examiner's Amendment

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Please disregard amendment filed on June 14, 2007 since it is noncompliant for containing annotations and improper amendment format, and enter the following Examiner's amendment that includes the intended amendment plus corrections as agreed upon in a telephone interview with Mr. Robert Kerr on July 3, 2007.

1. (Cancelled without prejudice)

2. (Currently amended) The remotely monitored medication delivery system described in claim 18, wherein said transmitter is activated to send the signal automatically when one of said sensors senses that one of the at least one of said doors has been opened.

3. (Currently amended) The remotely monitored medication delivery system described in claim 18, further comprising a unique electronic system identifier, wherein said unique electronic system identifier is transmitted to the remote receiver along with the status of said at least one door.

4. (Currently amended) The remotely monitored medication delivery system described in claim 18, further comprising a clock apparatus in at least indirect signal communication with said transmitter for generating a date and time stamp, wherein said

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date and time stamp is transmitted to the remote receiver along with the status of said at least one door.

5. (Currently amended) The remotely monitored medication delivery system described in claim 18, further comprising a global positioning system in at least indirect signal communication with said transmitter for determining the geographical position of said system, wherein said position is transmitted to the remote receiver along with the status of said at least one door.

6. (Currently amended) The remotely monitored medication delivery system described in claim 18, further comprising a data encryption device in at least indirect signal communication with said transmitter, wherein any transmission is received and encrypted by said data encryption device prior to transmission by said transmitter.

7. (Currently amended) The remotely monitored medication delivery system described in claim 18, wherein each of said at least one of said doors includes a unique electronic door identifier such that the unique electronic door identifier is transmitted to the remote receiver along with the status of said at least one door.

8. (Currently amended) The remotely monitored medication delivery system described in claim 18, wherein the transmitter is a two-way pager telemetry system.

9. (Currently amended) The remotely monitored medication delivery system described in claim 18, wherein the remote receiver is further connected to a database through a network, such that when said receiver receives a signal from the transmitter, the receiver converts said signal to an electronic mail and transmits said electronic mail to said database through said network.

10. (Original) The remotely monitored medication delivery system described in claim 9, wherein said receiver further comprises an encryption system such that said electronic mail is encrypted prior to transmission.

11. (Original) The remotely monitored medication delivery system described in claim 9, wherein said database is a secure database.

12. (Currently amended) The remotely monitored medication delivery system described in claim 18, further comprising a digital thermometer in at least indirect signal communication with said transmitter for recording a patient's temperature, said transmitter further configured to communicate [[wherein]] said temperature [[can be communicated]] to the remote receiver [[through the transmitter]].

13. (Original) The remotely monitored medication delivery system described in claim 12, further comprising a memory device for at least temporarily storing said temperature prior to transmission.

14. (Cancelled without prejudice)

15. (Currently amended) The remotely monitored medication delivery system described in claim [14] 18, wherein the data entry device is an alphanumeric keypad.

16. (Cancelled without prejudice)

17. (Currently amended) The remotely monitored medication delivery system described in claim [16] 18, wherein the at least one predetermined code corresponds to a specific patient symptom.

18. (Currently Amended) A remotely monitored medication delivery system comprising: at least one dosage containment unit defining an internal volume, each of

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the at least one containment units having at least one moveable door defining an opening thereto; a sensor in signal communication with each of the at least one moveable door for monitoring the status of said door and producing a signal indicative of said status; and a transmitter in signal communication with said sensor for receiving the signal from said sensor and transmitting the signal to a remote receiver, further comprising a data entry device in at least indirect signal communication with said transmitter such that data entered into said remotely monitored medication delivery system is transmitted to said remote receiver by said transmitter, further comprising a data entry device in at least indirect signal communication with said transmitter such that data entered into said remotely monitored medication delivery system is transmitted to said remote receiver by said transmitter [The remotely monitored medication delivery system described in claim 16] wherein the remote receiver further comprises: a programmable controller having a predefined alert table programmed therein in at least indirect signal communication with said remote receiver, wherein said alert table contains alert codes for each of [the] at least one or more predetermined codes; and a second transmitter in at least indirect signal communication with said programmable controller, wherein said programmable controller receives said data from said remote receiver, scans said data for the at least one or more predetermined codes, compares said at least one predetermined code [verse] versus said alert table, and generates at least one alert code based on said alert table, and wherein said second transmitter is activated to send said data to at least one supervising medical attendant when indicated by said alert code.

19. (Original) The remotely monitored medication delivery system described in claim 18, wherein said second transmitter transmits said data through a medium selected from the group consisting of electronic mail, a page, or a hardwired monitor.

20. (Currently amended) The remotely monitored medication delivery system described in claim [14] 18, further comprising at least one internal memory device for at least temporarily storing data generated by said system at least one of either prior to or after transmission by said transmitter.

21. (Currently amended) The remotely monitored medication delivery system described in claim 18, further comprising at least one internal memory device for at least temporarily storing signals generated by said system at least one of either prior to or after transmission by said transmitter.

22. (Currently amended) The remotely monitored medication delivery system described in claim 18, wherein the system comprises a plurality of dosage containment units.

23. (Original) The remotely monitored medication delivery system described in claim 22, wherein said plurality of units are arranged in a sequential order such that each of the plurality of doors except a first door and a last door has one preceding door and one succeeding door, and wherein said system further comprises a mechanical interlock system engaged with said plurality of doors such that the interlock system locks each succeeding door until the door immediately preceding said succeeding door is opened.

24. (Currently amended) The remotely monitored medication delivery system described in claim 18, further comprising a digital scale for recording a patient's weight in at least indirect signal communication with said transmitter [such], said transmitter further configured to communicate that [the] weight [can be communicated] to the remote receiver [through the transmitter].

25. (Currently amended) The remotely monitored medication delivery system described in claim 18, further comprising a digital blood pressure monitor for recording a patient's blood pressure in at least indirect signal communication with said transmitter, said transmitter further configured to communicate [such] that [the] blood pressure [can be communicated] to the remote receiver [through the transmitter].

26. (Currently amended) The remotely monitored medication delivery system described in claim 18, wherein the system transmitter is designed to automatically transmit the signals indicative of the status of the at least one door at a predetermined time interval.

27. (Currently amended) The remotely monitored medication delivery system described in claim 18, further comprising a programmable timer, wherein the timer may be programmed with at least one medication dosage schedule having at least one medication event.

28. (Original) The remotely monitored medication delivery system described in claim 27, further comprising an alarm in signal communication with said programmable timer such that when the at least one medication schedule indicates a medication event the alarm is activated to provide an indication to a patient.

29. (Original) The remotely monitored medication delivery system described in claim 27, further comprising a remote patient notification system in signal communication with said programmable timer such that when the at least one medication schedule indicates a medication event the remote patient notification system is activated to communicate the event to a patient remotely.

30. (Original) The remotely monitored medication delivery system described in claim 29, wherein the remote patient notification system comprises a communication system selected from the group consisting of a pager, a cellular phone, and a telemetry RF frequency.

31. (Original) The remotely monitored medication delivery system described in claim 27, further comprising at least one lock mounted on each of said at least one doors, wherein each said at least one lock is in signal communication with said programmable timer such that each said at least one lock is unlocked automatically when said programmable timer indicates the occurrence of a medication event.

32. (Currently amended) A remotely monitored medication delivery system comprising: a[t] plurality of dosage containment units, each unit defining an internal volume and having at least one moveable door defining an opening thereto, wherein said plurality of units are arranged in a sequential order such that each of the plurality of doors except a first door and a last door has one preceding door and one succeeding door, a mechanical interlock system engaged with said plurality of doors such that the interlock system locks each succeeding door until the door immediately preceding said succeeding door is opened; a sensor in signal communication with the at least one

moveable door for monitoring the status of said door and producing a signal indicative of said status, wherein each of said plurality of doors includes a unique electronic door identifier such that the unique electronic door identifier is transmitted to the transmitter along with the signal; a transmitter in signal communication with said sensor for receiving the signal from said sensor and transmitting the signal to a remote receiver, wherein said transmitter is activated to send the signal automatically when said sensor senses that one of the plurality of doors has been opened; an electronic system identifier uniquely indicative of the particular remotely monitored medical system, wherein said electronic system identifier is transmitted to the remote receiver along with the signal; a clock apparatus in at least indirect signal communication with said sensor and said transmitter, wherein the date and time is generated by the clock and transmitted to the transmitter for transmission to the remote receiver when the sensor indicates that one of the plurality of doors has been opened; a data entry device in at least indirect signal communication with said transmitter such that data entered into said remotely monitored medication delivery system is transmitted to said remote receiver by said transmitter; and an encryption device in at least indirect signal communication with said transmitter, wherein any transmission is received and encrypted by said data encryption device prior to transmission by said transmitter.

33. (Original) The remotely monitored medication delivery system described in claim 32, wherein the data entry device is an alphanumeric keypad.

34. (Original) The remotely monitored medication delivery system described in claim 32, wherein the data includes at least one predetermined code indicative of a patient's condition.

35. (Original) The remotely monitored medication delivery system described in claim 34, wherein the at least one predetermined code corresponds to a specific patient symptom.

36. (Currently Amended) The remotely monitored medication delivery system described in claim 34, wherein the remote receiver further comprises: a programmable controller having a predefined alert table programmed therein in at least indirect signal communication with said remote receiver, wherein said alert table contains alert codes for each of [the] at least one or more predetermined codes; and a second transmitter in at least indirect signal communication with said programmable controller, wherein said programmable controller receives said data from said remote receiver, scans said data for the at least one or more predetermined codes, compares said at least one predetermined code [verse] versus said alert table, and generates at least one alert code based on said alert table, and wherein said second transmitter is activated to send said data to at least one supervising medical attendant when indicated by said alert code.

37. (Original) The remotely monitored medication delivery system described in claim 36, wherein said second transmitter transmits said data through a medium selected from the group consisting of electronic mail, a page, or a hardwired monitor.

38. (Currently Amended) The remotely monitored medication delivery system described in claim 32, further comprising a digital thermometer for recording a patient's temperature in at least indirect signal communication with said transmitter, said transmitter further configured to communicate [such] that [the] temperature [can be communicated] to the remote receiver [through the transmitter].

39. (Original) The remotely monitored medication delivery system described in claim 32, further comprising a memory device for at least temporarily storing said temperature prior to transmission.

40. (Original) The remotely monitored medication delivery system described in claim 32, further comprising at least one internal memory device for at least temporarily storing data generated by said system at least one of either prior to or after transmission by said transmitter.

41. (Currently Amended) The remotely monitored medication delivery system described in claim 32, further comprising a digital scale for recording a patient's weight in at least indirect signal communication with said transmitter, said transmitter further configured to communicate [such] that [the] weight [can be communicated] to the remote receiver [through the transmitter].

42. (Currently Amended) A method for remotely delivering medication comprising: providing to a patient [a] the remotely monitored medication system of claim 18 [to a patient, said system including: at least one dosage containment unit defining an internal volume, each of the at least one containment units having at least one moveable door defining an opening thereto, a sensor in signal communication with each

of the at least one moveable doors for monitoring the status of said doors and producing a signal indicative of said status, and a transmitter in signal communication with said sensor for receiving the signal from said sensor and transmitting the signal to a remote receiver]; filling each of said at least one dosage containment units with at least one medication dosage; and monitoring said remote receiver to determine the patient's compliance with a medication schedule.

Allowable Subject Matter

2. Claims 2-13, 15, 17-42 are allowed.

The following is an examiner's statement of reasons for allowance:

For claim 18, A remotely monitored medication delivery system comprising: at least one dosage containment unit defining an internal volume, each of the at least one containment units having at least one moveable door defining an opening thereto; a sensor in signal communication with each of the at least one moveable door for monitoring the status of said door and producing a signal indicative of said status; and a transmitter in signal communication with said sensor for receiving the signal from said sensor and transmitting the signal to a remote receiver, further comprising a data entry device in at least indirect signal communication with said transmitter such that data entered into said remotely monitored medication delivery system is transmitted to said remote receiver by said transmitter, further comprising a data entry device in at least indirect signal communication with said transmitter such that data entered into said remotely monitored medication delivery system is transmitted to said remote receiver by

said transmitter wherein the remote receiver further comprises: a programmable controller having a predefined alert table programmed therein in at least indirect signal communication with said remote receiver, wherein said alert table contains alert codes for each of the at least one predetermined codes; and a second transmitter in at least indirect signal communication with said programmable controller, wherein said programmable controller receives said data from said remote receiver, scans said data for at least one predetermined codes, compares said at least one predetermined code, versus said alert table, and generates at least one alert code based on said alert table, and wherein said second transmitter is activated to send said data to at least one supervising medical attendant when indicated by said alert code.

For claim 32, A remotely monitored medication delivery system comprising: a plurality of dosage containment units, each unit defining an internal volume and having at least one moveable door defining an opening thereto, wherein said plurality of units are arranged in a sequential order such that each of the plurality of doors except a first door and a last door has one preceding door and one succeeding door, a mechanical interlock system engaged with said plurality of doors such that the interlock system locks each succeeding door until the door immediately preceding said succeeding door is opened; a sensor in signal communication with the at least one moveable door for monitoring the status of said door and producing a signal indicative of said status, wherein each of said plurality of doors includes a unique electronic door identifier such that the unique electronic door identifier is transmitted to the transmitter along with the signal; a transmitter in signal communication with said sensor for receiving the signal

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from said sensor and transmitting the signal to a remote receiver, wherein said transmitter is activated to send the signal automatically when said sensor senses that one of the plurality of doors has been opened; an electronic system identifier uniquely indicative of the particular remotely monitored medical system, wherein said electronic system identifier is transmitted to the remote receiver along with the signal; a clock apparatus in at least indirect signal communication with said sensor and said transmitter, wherein the date and time is generated by the clock and transmitted to the transmitter for transmission to the remote receiver when the sensor indicates that one of the plurality of doors has been opened; a data entry device in at least indirect signal communication with said transmitter such that data entered into said remotely monitored medication delivery system is transmitted to said remote receiver by said transmitter; and an encryption device in at least indirect signal communication with said transmitter, wherein any transmission is received and encrypted by said data encryption device prior to transmission by said transmitter. Moreover, the prior art indicates that this particular system is novel and has not been published or patented by other entities.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:


Durso (US 6,324,123), Abdulhay et al. (US 2007/0093932), Noble et al. (US 2003/0043026), Howard (US 2001/0022758), and Tate (US 4,725,999) disclose medication dispensing systems that comprise multiple compartments for storing medication.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer A Mehmood whose telephone number is (571) 272.2976. The examiner can normally be reached on M-F from 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Daniel Wu, can be reached at (571) 272.2964. The fax phone number for the organization where this application or proceeding is assigned is (571) 273.8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer A. Mehmood
July 3, 2007


BENJAMIN C. LEE
PRIMARY EXAMINER